IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) NO. 379 OF 2007
IN
SUMMONS FOR JUDGMENT NO. 560 OF 2006
IN
SUMMARY SUIT NO. 2527 OF 2006

Om Prakash Nahlani .. Appellant

V/s

Shimonga Ramchandra Raghunath Rao .. Respondent

WITH

APPEAL (L) NO. 380 OF 2007
IN
SUMMONS FOR JUDGMENT NO. 559 OF 2006
IN
SUMMARY SUIT NO. 2525 OF 2006

Om Prakash Nahlani .. Appellant

V/s

Bina Dudani .. Respondent

Mr. K.T. Kukreja i/b P.V. Nichani & Co. for the Appellant.

Mrs.V.V. Thorat for the Respondent.

CORAM : R.M.S. KHANDEPARKAR &
D.G. KARNIK, JJ.

DATE : 26TH APRIL 2007

P.C. :

1. Heard.

2. This appeal is filed against the orders dated

20th March 2007 passed by the learned Single Judge in summons for judgment in the summary suits. By the impugned orders, conditional leave has been granted to the Appellant to defend the suit, subject to deposit of an amount of Rs.1,00,000/-. The claim in the suit is for a sum of Rs.25,00,000/-.

3. The only ground on which the impugned orders is sought to be challenged is that the learned Single Judge did not consider the point regarding incomplete document sought to be raised by the appellant in his reply in the Summons for Judgment. However, the records disclose that apart from merely raising that point, there is no material to substantiate the same. The said contention was sought to be raised before the learned Single Judge. Even in the course of hearing of the appeals, the learned advocate for the Appellant did not satisfy us with any material that there is any substance in the said point sought to be raised by the Appellant. Merely because a point is sought to be raised in the pleadings, without there being any effort to substantiate the same with necessary material in support thereto, and merely because the learned Single Judge has ignored the said point while granting conditional leave and that too subjecting him to deposit the sum of Rs.1,00,000/- each in suits for recovery of Rs.25,00,000/-, we do not find any case made out for interference in the impugned

orders. Both the appeals are therefore rejected.

4. Time to deposit the amount of Rs.1,00,000/-, as directed by the impugned orders, is extended till 4th May 2007.

(R.M.S. KHANDEPARKAR, J.)

(D.G. KARNIK, J.)